IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 22554 of 2004

Between:

1 S.Bhoomaiahgoud S/o.Sayagoud
R/o.Pothireddipally Village, Sangareddy Mandal, Medak (Dt.)
2 E.Ramulugoud S/o.Kistagoud
R/o.Pothireddipally Village, Sangareddy Mandal, Medak (Dt.)

..... PETITIONER(S)

AND

1 The Superintendent of Prohibition and Excise, Sangareddy Mandal, Medak District.
2 The President Toddy Tappers Cooperative Society
Pothireddipally Village,
Sangareddy Mandal, Medak District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of mandamus under Article 226 Constitution of India declaring the action of the 2nd respondent though the petitioners are qualified in the tapping test and recommended by the prohibition and excise officer, Sangareddy without any valid reason. The 2nd respondent is intentionally avoiding to implement the 1st respondents direction to admit as a member of the Society.

Counsel for the Petitioners: SMT.A.PADMA

Counsel for the Respondent No.1: GP FOR PROHIBITION & EXCISE

Counsel for the Respondent No.2: -None-

The Court at the admission stage made the following ORDER:

The petitioners submitted applications seeking membership into the second respondent society. They also forwarded the applications to the officials of the Excise Department and in particular, to the Superintendent of Prohibition and Excise, Medak District, the first respondent. On a consideration of the matter, the first respondent passed an order dated 23-09-2004 directing the second respondent to admit the petitioners as members. The petitioners alleged that no action has been taken by the second respondent and till now, they are not admitted as members.

Heard the learned counsel for the petitioners and learned Government Pleader for Prohibition and Excise. Though notice was served upon the second respondent, it is not chosen to enter appearance.

The admission of members into a co-operative society is governed by Section 19 of the A.P. Cooperative Societies Act. Detailed procedure is prescribed and the various steps to be taken on the applications filed for admission are also indicated. The second respondent has not passed any order on the applications submitted by the petitioners. If the petitioners do not fulfill the qualifications to be admitted as members, it was obligatory on the part of the second respondent to intimate the same to the petitioners. Sub-Section (3) of Section 19 of the Act prescribes a time frame in this regard. It was, in this context, that the first respondent passed an order dated 23-09-2004. Before passing this order, he considered the report submitted by the Station House Officer, Sanga Reddy Police Station as well as the other proceedings having a bearing on the matter.

In the circumstances, the writ petition is allowed and the second respondent is directed to admit the petitioners as members. No costs.

(L.NARASIMHA REDDY, J)

4th FEBRUARY, 2005.

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To

1. The Superintendent of Prohibition and Excise, Sangareddy Mandal, Medak District.

2. Two CCs to the Government Pleader for Prohibition and Excise, A.P.High Court Buildings, Hyderabad (OUT).

3 Two CD copies.